

PROTECTION OF LITERARY AND ARTISTIC PROPERTY IN CHINA

Exchange of notes at Peking December 26 and 27, 1911

Entered into force December 27, 1911

*Became obsolete May 20, 1943*¹

1912 For. Rel. 177

The French Chargé d'Affaires to the American Minister

[TRANSLATION]

LEGATION OF THE
FRENCH REPUBLIC IN CHINA
Peking, December 26, 1911

MR. MINISTER:

Our Governments being desirous of assuring to French and American citizens and subjects reciprocal protection in China of the rights of authors over their literary and artistic productions to the same extent that they are protected in French and American territories and possessions, I have been instructed by the Minister for Foreign Affairs of France to communicate to you the following:

1st. By virtue of the civil and criminal jurisdiction with which they are vested and which they exercise in China, the consuls and consular courts of France are competent to take cognizance of all complaints that may be laid before them relative to the violation of the rights of authorship by persons under French jurisdiction.

2d. Consequently whenever persons under American jurisdiction shall have occasion to address them in order to obtain respect from persons under French jurisdiction of their rights of authorship over their literary and artistic productions, including photographs, the complaints will henceforth be laid, in the first instance, before the consular court, and appeals will come before the appellate court at Saigon or Hanoi.

3d. The citizens of the possessions of the United States of America will enjoy in China the same treatment as the citizens of the United States of America.

¹ Date on which the United States relinquished extraterritorial rights in China, pursuant to treaty of Jan. 11, 1943 (TS 984, *ante*, vol. 6, p. 739, CHINA).

4th. Unauthorized reproductions by persons under French jurisdiction, made previous to the first of January next, of literary, artistic or photographic works executed by persons under American jurisdiction, will be withdrawn from sale or circulation in China before December 31, 1912.

5th. Literary and artistic property in France is regulated by the law of March 28, 1897, which approves the convention signed at Berne on September 9, 1896, for the protection of literary and artistic productions, and also by the law of April 15, 1897, which approves the additional enactment and the declaration of May 4, 1896, modifying the convention of Berne.

I will be under great obligation to you if you will kindly take note of the present declaration and will inform me whether persons under French jurisdiction may count on the same legal protection from the consular authorities in China of the United States of America in all that concerns the ownership of literary and artistic productions.

Accept [etc.]

F. GEORGES PICOT

The American Minister to the French Chargé d'Affaires

AMERICAN LEGATION
PEKING, December 27, 1911

MR. CHARGÉ D'AFFAIRES AND DEAR COLLEAGUE:

I have the honor to acknowledge the receipt of your note of December 26, 1911, informing me that you have been authorized by your Government to effect with me by an exchange of notes an agreement for the reciprocal protection in China of French and American copyrights for literary and artistic productions.

I have the honor to inform you in reply that I have been authorized to state that henceforth protection will be afforded in China, in accordance with the laws of the United States and on condition of reciprocity, for the copyrights of French literary, artistic, musical or dramatic works, including photographs, duly registered in the United States, against infringement by persons under American jurisdiction. To that end the American courts in China will be competent to hear all such cases presented by citizens or subjects of France.

I have the honor further to inform you that the protection of literary and artistic property in the United States of America is provided for by the act of Congress of March 4, 1909, amending and consolidating previous acts respecting copyright (U.S. Statutes at Large, vol. 35, chapter 320); and

that by a Presidential proclamation of April 9, 1910,² this protection is extended to works of authors or proprietors who are citizens or subjects of France.

Accept [etc.]

W. J. CALHOUN

² 36 Stat. 2685.